

December 26, 2006

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FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

Federal Election Commission  
999E. Street, N.W.  
Washington, D.C. 20463

2007 JAN -8 A 9 47

RE: MUR 5884

Dear Gentlemen

This is a rebuttal to Mr. William T. Sali's letter dated December 14, 2006. This relates to the recent elections held for the Idaho 1<sup>st</sup> Congressional seat on November 7, 2006. This relates to complaint that I originally filed and received by the Federal Election Commission on August 22, 2006. (Certified Mail receipt number 7004 2510 0000 6064 7666) The complain was misrouted by FEC mail room and was resubmitted to Ms. Retha Dixon on October 26, 2006. (Certified Mail receipt number 7006 0100 0000 1450 8624)

I believe that the nature of my complaint and the positions of me and Mr. Sali are clearly stated in my letter of inquiry of May 18, 2006. I believe that your email dated June 30, 2006 5:51pm, sent in reply supports my reading of the Federal Elections-11CFR 400.20(a)(1)(2).

In reviewing Mr. Sali's letter of rebuttal, I find there to be numerous mistakes, misstatements of facts and errors. I therefore would like to challenge his interpretations. In his letter, paragraph 3 Mr. Sali has misdated the filing date of my FEC Form 2, the correct date that I filed was March 10, 2006 and not 2005.

In paragraph 4, Mr. Sali injects the term "simultaneously" which appears in the Instructions for statement of Candidacy (FEC Form 2) and not in the actual statute 11 CFR 400.20(a)(1) and 11CFR 400.20 (b) (1) which states "each opposing candidate". This is without any reference to periods of time of order that individuals become candidates.

I paragraph 5, he states, FEC Form 2 is in the form of a notice and there is no other reason for this requirement. This is not true. In addition to giving notice, it requires the declaration of total amount of expenditures from personal funds. 11CFR 400.20 (a) (2) and funds defined in 11 CFR 400.9. Therefore the sending of the FEC Form 2 to "each opposing candidate" is not "superfluous".

In paragraph 6, Mr. Sali once more refers to the "Instructions for Statement of Candidacy" and the "Campaign Guide for Congressional Candidates and Committees" and implies there is no requirement for sending FEC Form 2 at a later time. It is my contention that there may not be, but Instructions or Campaign Guides do not supersede the actual statutes 11 CFR 400.20 (a) and 11 CFR 400.20 (b) and should be the precedence for legal compliances.

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In paragraph 7, Mr. Sali has once more misstated the correct date that I filed my FEC Form 2 and stated following the instruction, he would be unable to email or fax a copy of his FEC Form 2. While there may be some validity to this point, once he received a Form 2 from me he could have very easily complied by sending one in return.

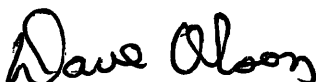
I believe that based on the 11 CFR 400.20, my letter of inquiry and the rulings previously made in FEC email June 30, 2006 5:51pm Technical Writer Information Division, you're an "opposing candidate" by receiving or expending funds over \$5,000, by establishing committees or authorizing others or seeking office that another candidate is seeking. Furthermore by registering with the state of Idaho Department of Elections and appearing on the ballot expresses my intent and qualification to be an "opposing candidate".

I would like to point out that I have attempted repeatedly to express my position to Mr. Sali and offered him copies of my letter of inquiry to the FEC and their replies in resolving this dispute. I have been rebuffed and refused by Mr. Sali. Mr. Sali's lack of actions to either individually or jointly to work to get clarification or rulings on this matter has left me with no choice to file a formal complain against him and other candidates in this race. I believe that judging by his letter of rebuttal with its mistakes, misstatement of facts and errors, it reflects very poor work product by someone who claims to be a qualified "Attorney at Law". It would further cause me question his interpretations of statutes under the law.

I would hope this matter can be finally settled by the Federal Election Commission and that both I and Mr. Sali are informed and that future candidates can have clearer instructions concerning their responsibilities be given.

If you should need any further information from me, please feel free to contact me.

Sincerely



David E. Olson

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